

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GREATER HELLS CANYON COUNCIL,

Plaintiff,

v.

KRIS STEIN, *et al.*,

Defendants.

Case No. 2:18-cv-00054-SU

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge Patricia Sullivan issued Findings and Recommendation in this case on March 22, 2019. ECF 36. Magistrate Judge Sullivan recommended the Court grant Defendants’ and Intervenor’s Motions for Summary Judgment (ECF 21 & 22) and deny Plaintiff’s Motion for Summary Judgment (ECF 16).

Under the Federal Magistrates Act (“Act”), the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations,

“the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge’s findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (holding that the court must review *de novo* magistrate judge’s findings and recommendations if objection is made, “but not otherwise”). Although in the absence of objections no review is required, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the Court review the magistrate judge’s recommendations for “clear error on the face of the record.”

Plaintiff timely filed an objection. ECF 37. The Court has reviewed *de novo* those portions of Magistrate Judge Sullivan’s Findings and Recommendation to which Plaintiff has objected, as well as Defendants’ and Intervenor’s responses. The Court agrees with Magistrate Judge Sullivan’s reasoning and ADOPTS those portions of the Findings and Recommendation.

For those portions of Magistrate Judge Sullivan’s Findings and Recommendation to which neither party has objected, this Court follows the recommendation of the Advisory Committee and reviews those matters for clear error on the face of the record. No such error is apparent.

The Court **ADOPTS** Magistrate Judge Sullivan's Findings and Recommendation (ECF 36). The Court **GRANTS** Defendants' and Intervenor's Motions for Summary Judgment (ECF 21 & 22) and **DENIES** Plaintiff's Motion for Summary Judgment (ECF 16).

IT IS SO ORDERED.

DATED this 9th day of July, 2019.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge